ത്തിയിരിക്കുന്ന സമ്പ്രദായം ഇവിടെയും നടപ്പിൽ വരുത്തുന്നതിനെ അനുകൂലിക്കണമെന്നാണ് എന്റെ അഭ്യർത്ഥന. ഇന്ന വൈസ്രോയിയുടെ എക്സിക്യൂട്ടീവ് കൌൺസിലിൽ മെമ്പറായിരിക്കുന്ന ഡാക്ടർ അംബേദ്കർ കൊച്ചി രാജ്യത്തു ജനിച്ചിരുന്നുവെങ്കിൽ ഒരു ഉദ്യോഗവും അദ്ദേഹത്തിന്ന കിട്ടുകയില്ലായിരുന്ന. അദ്ദേഹം പറയ (സാംബവ) സമുദായത്തിൽ പെട്ട ഒരുവനാണ്, പുലയനല്ല. പുലയനാണെങ്കിലേ ഇവിടെ ഉദ്യോഗം ലഭിക്കയുള്ളു. അദ്ദേഹമാണ് ഇന്ന ഇന്ത്യയിൽ പൊതുവേയും അധഃകൃത പ്രതിനിധിയായി, അധഃകൃത നേതാവായി നില്ക്കുന്നതു.

Deputy President: You are digressing from the main point.

Mr. C. V. Iyyu *(Kunnamkulam):* I am speaking that the stand of the Depressed class Member is incorrect and the stand of the Government also is not proper. I have been attempting to convert the Government as well as the Member for the depressed classes and also this House. So I press this motion to a division.

Motion put and lost

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Poll Sir.

Ayes

1. Mr. V. K. Bhaskara Menon
2. ,, A. Eachara Menon
3. ,, M. K. Devassy
4. ,, K. R. Ramakrishnan
5. Mr. T. S. Ramachandra Ayyar
6. ,, C. V. Iyyu
7. ,, P. Kumaran Ezhuthassan
8. ,, K. T. Achyutan

Noes

1. Mr. A. V. Moothedan
2. ,, V. J. Mathai
3. ,, M. Krishna Menon
4. ,, K. M. Ibrahin
5. ,, K. Narayana Menon
6. ,, B. M. Peter
7. ,, N. Govinda Pai
8. ,, Shabdai S. Koder
9. ,, P. P. Devassi
10. ,, V. K. Kutty
11. Mr. P. K. Krishnan
12. ,, P. V. Raphael
13. Rao Sahib I. N. Menon
14. Mr. P. V. Lonappan
15. Dr. T. Verghese
16. Mr. S. Venkiteswaran
17. ,, M. Sivarama Menon
18. ,, C. J. Mathew
19. ,, A. Madhava Prabhu
20. Rama Varmha Tampuran

Neutrals

1. Mr. Popatlal Goverdhan Lalan
2. Mr. K. J. Thomas
3. Mr. Ephraim Ouseph

Deputy President: 8 for, 20 against and 3 neutrals. Motion is lost.

Resolution No. 27

Penalising wilful refraining from voting

Mr. C. V. Iyyu *(Kunnamkulam):* I move.—

"This Council recommends to the Government to amend the Election Offences and Inquiries Act (IX of 1098) so as to penalise the wilful refraining in future of a voter from the exercising of his or her right of franchise for the election of members of the Legislative Council, Municipal Councils and Town Councils (if any) in the State, provided that the voter shall be given sufficient time to request the revising authority or the registration officer within a prescribed period to get his name deleted from the final electoral roll of the constituency he has been originally enrolled in the preliminary electoral roll."

സർ, ഈ പ്രമേയം കഴിഞ്ഞ ഇടവമാസത്തിൽ ഇവിടെ സമ്മേളിച്ച നിയമസഭയിൽ അവതരിപ്പിക്കുകയും അന്നത്തെ Opposition Leader ആയ Ex Minister ഡാക്ടർ എ. ആർ. മേനോൻ അവർകളും അദ്ദേഹത്തിന്റെ കക്ഷിയിൽപെട്ട പലരും അനുകൂലിക്കുകയും ചെയ്തിട്ടുള്ളതാണ്. എന്നാൽ ഈ പ്രമേയത്തിന്റെ വാദപ്രതിവാദം അന്നത്തെ നിയമസഭയിൽ അവസാനിക്കാതെ ആ നിയമസഭയുടെ സെഷൻ അവസാനിക്കയാണുണ്ടായതു. അല്ലെങ്കിൽ അന്നതന്നെ ഇതിന്ന എന്തെങ്കിലും ഒരു തീരുമാനമുണ്ടാകുമായിരുന്ന. നിയമസഭാ തിരഞ്ഞെടുപ്പുകളിൽ ബസ്സ്, കാർ മുതലായ വാഹനങ്ങളും വോട്ടർമാർക്കുവേണ്ടി ഉപയോഗിക്കുന്നതും അല്ലെങ്കിൽ മദ്യം മുതലായി ലഹരിപദാർത്ഥങ്ങളുള്ളാത്ത സാധനങ്ങളും, കാപ്പി, ചായ മുതലായി ദോഷകരമല്ലാത്ത ഭക്ഷണപാനീയങ്ങളും കൊടുത്തു വോട്ടർമാരെ സ്വീകരിക്കുന്നതുമായ കുറ്റകരമല്ലാത്ത നടപടികളും എലക്ഷൻ ഓഫൻസ് നിയമത്തിൽനിന്നും മാറ്റിയിരിച്ചു് അതുതന്നെ കുറ്റകരമല്ല എന്നുള്ളതിനും പ്രസ്തുത

LIBRARY ARCHIVES Kerala Legislative Assembly

നിയമത്തിൽ ഒരു ഭേദഗതി വരുത്തണമെന്നു ഞാൻ മുമ്പു് ആവശ്യപ്പെട്ടിരുന്നു. അതിനെ അനുകൂലിച്ചുകൊണ്ടു് ഡാക്ടർ എ. ആർ. മേനോൻ അവർകളും അദ്ദേഹത്തിന്റെ അനുയായികളും അഭിപ്രായം പറഞ്ഞിട്ടുണ്ടു്. ഞാനും അദ്ദേഹവുമായി രാഷ്ട്രീയമായി പല അഭിപ്രായവ്യത്യാസങ്ങളുണ്ടായിരുന്നിട്ടും ഒരു തത്വത്തെ ആസ്പദമാക്കി ഇതു ആദർശപരമായ ഒരു നടപടിയാണെന്നും ഇതു് നടപ്പിൽ വരുത്തേണ്ടതാണെന്നും അഭിപ്രായപ്പെടുകയും അദ്ദേഹം ഇതിനെക്കുറിച്ചു ഇവിടെ ശക്തിയുക്തമായി വാദിക്കുകയും ചെയ്തിട്ടുണ്ടു്. ഇതു പാശ്ചാത്യരാജ്യങ്ങളിൽ ചിലയിടത്തു നടപടിയിലുള്ളതാണു്. നമ്മുടെ രാജ്യത്തു് ഇതു നടപ്പിൽ വരുത്തുന്നതായാൽ വലിയ അപകടമൊന്നും വരുവാനുമില്ല. വോട്ടർമാരായ ആളുകളിൽ രാഷ്ട്രീയബോധമുള്ളവരുടെ അല്ലാതെ മറ്റാരുടേയും പേരുകൾ വോട്ടേഴ്സ് ലിസ്റ്റിൽ മേലിൽ ഉണ്ടാകയുമില്ല. ഇപ്പോൾ റവന്യു ഡിപ്പാർട്ട്മെണ്ടിൽനിന്നും തയ്യാറാക്കുന്നതായ വോട്ടേഴ്സ് ലിസ്റ്റു പരസ്പരംചെയ്യാൽ ഏകദേശം ഒരു മാസത്തിനുള്ളിൽ റിവൈസിംഗ് അധികാരികൾ ഇരുന്നു അതു പരിശോധിച്ചു് കൂടുതലായി ചേർത്തിട്ടുള്ളവരുടെ പേരുകൾ അതിൽനിന്നും നീക്കം ചെയ്യുകയും പുതുതായി ചേർക്കേണ്ടവരുടെപേരുകൾ കൂടുതലായി ചേർക്കുകയും ചെയ്യുന്ന ഒരു സമ്പ്രദായമുണ്ടു്. ഈ സമയത്തിനുള്ളിൽ, ഒരാൾക്കു വോട്ടുചെയ്യണമെന്നു ആവശ്യമില്ലെന്നു തോന്നുന്നപക്ഷം തന്റെപേർ വോട്ടേഴ്സ് ലിസ്റ്റിൽനിന്നും നീക്കംചെയ്തേണ്ടതാണെന്നുകാണിച്ചു റിവൈസിംഗ് അധികാരികൾക്കു എഴുതി അയക്കുന്നതിനു അയാൾക്കു സാധിക്കുന്നതാണു്.

ഞാൻ ഈ നിയമസഭയിൽത്തന്നെ സാക്ഷരതാ വോട്ടവകാശം നടപ്പാക്കണമെന്നും സ്ഥിരാവകാശം കിട്ടിയിട്ടുള്ള വെറുമ്പാട്ടക്കാർക്കു വോട്ടവകാശം കൊടുക്കണമെന്നും മതിയാശി അസംബ്ലിളിക്കുള്ള വോട്ടവകാശ യോഗ്യത ഇവിടേയും നടപ്പാക്കണമെന്നും ഒരു കാരണവും പറയാതെ വോട്ടുചെയ്യാതിരിക്കുന്ന ആൾക്കു ശിക്ഷകൊടുക്കണമെന്നും പറഞ്ഞിട്ടുണ്ടല്ലൊ. ഇവയെല്ലാംകൂടി ഗവണ്മെന്റിന്റെ ആലോചനക്കു വിഷയീഭവിക്കുന്ന ഘട്ടത്തിൽ ഈ കാര്യവുംകൂടി ആലോചനക്കു വിഷയീഭവിപ്പിക്കണമെന്നു ഞാൻ ബഹുമാനപ്പെട്ട ഗവണ്മെന്റിനെ ഉൽബോധിപ്പിക്കുന്നു. ഇതു ആലോചനക്കെടുക്കുന്നതിനു ഗവണ്മെന്റിനെ നിർബ്ബന്ധിക്കുന്നതിനും ഗവണ്മെന്റിനെക്കൊണ്ടു ഇതു പ്രവൃത്തിപ്പിക്കുന്നതിനും ഈ നിയമസഭ ഇങ്ങിനെ ഒരു പ്രമേയം സ്വീകരിക്കുന്നതായാൽ ഇടയാകുന്നതാണു്. ബഹുമാനപ്പെട്ട പാലക്കാടു മെമ്പർ ഇപ്പോൾതന്നെ പറഞ്ഞപോലെ നാം യഥാർത്ഥത്തിൽ ബ്രിട്ടീഷിൻഡ്യയേക്കാൾ പലകാര്യങ്ങളിലും പുരോഗമിച്ചാണിരിക്കുന്നതു്. ബ്രിട്ടീഷിൻഡ്യയെതന്നെയല്ല മറ്റു പരിഷ്കൃത രാജ്യങ്ങളേയും അതിലംഘിച്ചു നമുക്കു പുരോഗമിക്കുന്നതിനു ഇതു സ്വീകരിക്കുന്നതുകൊണ്ടു് ഇടയാകുന്നതാണു്. ഇതിൽ പറഞ്ഞിരിക്കുന്ന പ്രകാരത്തിൽ വോട്ടുചെയ്യാതിരിക്കുന്നതു കുറ്റകരമാക്കിയാൽതന്നെ ഇതിനെസംബന്ധിച്ചുള്ള ശിക്ഷ ഒരു വലിയ ശിക്ഷയായിരിക്കണമെന്നില്ല. പേരിനു ഒരു ശിക്ഷകൊടുത്താലും കുറെക്കാലത്തേക്കുമതി. ഒരു വാർണിംഗ് കൊടുത്താൽ മതിയെന്നു നിശ്ചയിച്ചാലും വിരോധമില്ല. ഇങ്ങിനെ രണ്ടോ മൂന്നോ തിരഞ്ഞെടുപ്പുകഴിയുമ്പോൾ നമ്മുടെ ജനങ്ങൾക്കു രാഷ്ട്രീയബോധം വളർന്നുകയും ജനാധിപത്യത്തിന്റെ നിർമ്മലമായ പ്രവർത്തനത്തിനു വിഘാതമായിനില്ക്കുന്നതായ എല്ലാ സംഗതികളും ഇല്ലാതെപോകയും ചെയ്യുന്നതാണു്. ഞാൻ ഈ സഭയുടെ സ്വീകരണത്തിനായി ഈ പ്രമേയം അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I beg to second the resolution. What is sought to be achieved by the resolution is that those who are not willing to vote may get their names removed from the voter's list. There is nothing extraordinary in the proposition. As stated by the mover of the resolution a preliminary electoral roll is published and it is scrutined by a competent committee where in the light of objections and representations received it is modified by adding to the rolls the names of new voters or some of the existing names in the preliminary roll is taken away. One other item of business of that committee if the amendment is accepted will be to take away the names of persons who do not wish to vote for any reason whatsoever. I have heard at times voters stating when two candidates are standing for election that they would like to vote for a third person. Things like that happen. It is because both the persons in the eyes of voters are not up to the mark. Again there may be persons who may not like to come to the polling booth for reasons best known to themselves. But now as far as the Government is concerned they will have no difficulty. There is already a machinery doing identical work and so it will not be an additional work. If the resolution is accepted, the Government have no extra work and the person who wants to get himself removed from the voter's

LIBRARY ARCHIVES Kerala Legislative Assembly

list may also get it removed. Now by this process of getting persons removed from the electoral rolls there is decidedly an advantage in favour of the contesting candidates. Those who know the process of election work can very easily understand what I shall state now. By the time the polling commences a certain set of voters would have promised their votes to A and certain others to B the contesing candidates. The difficulty that is experienced is not for getting the voters promise but to get the voters come out of their houses to the polling booths. That is because of the fact they have got the right to remain at home or not to come even though their names are in the voters' list. I do not stand in their way in allowing them to observe Purdha for that day but their attitude may be known early so that the contesting candidates need not be put to difficulties. That is the decided advantage in accepting a proposition like this. No difficulty of any kind is there for the Government or anybody else. I have therefore very great pleasure in supporting such an innocent resolution.

*Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I oppose this resolution. I am always against this ministerial party and their cliques. They would not have allowed these resolutions to be moved. What disciplinary power have they got. Where is the strength of the party.

Mr. C. V. Iyyu *(Kunnamkulam)*: Sir, I object to all the statements made by the Hon'ble Member. The Hon'ble Member will have to withdraw every statement of that.

Mr. A. V. Moothedan *(Chalakkudi)*: That is my opinion. My firm conviction is that this party has no discipline over the members.. .....

Point of order

Relevancy of observations about party

Mr. M. K. Devassy *(Adur)*: Sir, I rise on a point of order.

Deputy President: When one member is in possession of the House, if any other Hon'ble Member wants to speak, he has to stand up and then the other has to give way to him.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, we can interrupt a speech for raising a point of order under the Standing Orders.

Deputy President: Unless the Chair calls the name, the member in possession of the House cannot know. He was behind the Hon'ble Member.

Mr. M. K. Devassy *(Adur)*: I do not share all the observations made by the Chair. I was raising a point of order.

Deputy President: When the Hon'ble Member rises to raise a point of order I will call his name. Then only the member who is in possession of the House will know it.

Mr. M. K. Devassy *(Adur)*: I am not to be blamed for standing up and raising a point of order.

Deputy President: I am not blaming anybody. I was pointing out the difficulty experienced in the House.

Mr. M. K. Devassy *(Adur)*: The point of order that I raise is that the Hon'ble Member's observations regarding the party are absolutely irrelevant and they have no connection with the resolution under discussion and if it is left to any member to most irrelevantly indulge in abusing parties, that is a practice which in the interests of decency and discipline in this House should be checked by the Chair.

Deputy President: Each member is expected to maintain the diginity of the House.

Mr. M. K. Devassy *(Adur)*: Relevancy.

Deputy President: He thought that it was a motion moved by the party.

Mr. C. V. Iyyu *(Kunnamkulam)*: Even granting that this is a party motion, is it fair on the part of the Hon'ble Member to pass such remarks as to the working of a party.

Mr. M. K. Devassy *(Adur)*: The Chair cannot rule it out.

Mr. C. V Iyyu *(Kunnamkulam)*: My submission to the House is that it is irrelevant for the Hon'ble Member to say that the party is not working properly.

Deputy President: The Chair cannot rule that it is strictly irrelevant.

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I do not want to pursue that matter any further out of respect to the Chair. I wanted to say something more but I stop here.

Now, Sir, coming to the subject, this subject was before the House when the former Minister Dr. A. R. Menon was here. Dr. Menon was a great enthusiast in the subject and he had canvassed for my opinion. But I have never given him any definite reply to that. I said I will give my opinion. Now Sir, I am going to give my opinion on the subject.

I may say for the information of the House that I have got some experience in elections to Legislative Councils as well as Municipal Councils. With my experience I may say that this resolution is quite unnecessary and I shall state my reasons for that.

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Now this resolution will come into play only in contested elections. In uncontested elections this resolutions has nothing to do. Generally in contested elections more than 75 per cent of the voters take part. I may say for the information of the House that in the recently conducted bye-election for the Narakkal constituency where there are about 1,700 voters, nearly 75 per cent of the same took part in elections. That is the case in all contested elections and sometimes the percentage goes to 90 and 95. Therefore when all these facts are taken into consideration why should you have a provision compelling people to vote and penalise those few who do not take part in the same? Sir, I have also another experience. In 1114 for the Municipal elections in Ernakulam in a certain ward where Messrs. M. L. Joseph and P. K. Dewer stood as candidates 294 votes were recorded at the polling booth where the total number was 296. I myself was indeed very much surprised. Only two members did not turn up to vote out of a total number of nearly three hundred. When so much interest is being evinced by the electorates in the matter of elections, I do not understand why there should be a penal provision for compelling people to come and vote. That is my first point.

Then Sir, every voter has got a free right to vote. In a contested election there should be at least two candidates. Now suppose two candidates A and B are standing as candidates for a constituency and suppose both of them are useless to be sent to the Legislative Council. If a voter is not inclined to vote for any of them why should he be penalised. Now when the electoral rolls are prepared he does not know who will be the candidates for the elections. If the candidate according to the view of a particular voter is useless to be sent as a member to the Legislative Council and if he does not want to vote he is penalised. According to my Hon'ble friend those voters should be compelled to vote for these useless people. Why should such a compulsion be made. It is said that this practice prevails only in Australia. I do not know whether it is correct. The only country where this is in vogue, according to the information supplied by the Hon'ble Mover, is in Australia. But I may say that such a provision does not exist any where in India. There is no necessity to restrict the fundamental right of voters to vote.

Then Sir, again there is another point. Here in this Council so many members do not vote on certain motions one way or the other applying this analogy those members who do not vote either for or against have to be removed. I ask the question why those poor voters alone should be penalised. Members who are so shy of voting one way or the other should be removed from the House. We do not want such oily people here. For the foregoing reasons I am of opinion that this resolution should be opposed.

Mr. V. J. Mathai *(Planters):* I believe this is a subject which is a very wide and important one. It may not matter much now as to who is elected to the Council as it is only an advisory body; but we must visualise the day when full responsible Government comes and when a panel of ministers will be seen on the Treasury Benches instead of the Secretary to the Government and the Diwan Peishkar and when an elected President will be there to decide what is admissible and what ought to be discussed in the House. We have also to realise that those Ministers who enjoy the confidence of the members who are in turn elected by the electorates will have the power to dismiss the Government Secretary and The Diwan Peishkar and the Excise Commissioner, all together or one by one. The implications of that state of affairs we have not fully realised. When we realise that, it is necessary to point out that the ultimate responsibility of deciding as to who should preside over the separate departments, will be placed in the hands of the voters, whether they are literate or not. If concrete instances are necessary, I say that that illiterate voter will have a direct voice in saying that the Hon'ble Member for Medicine should he dismissed to-morrow. The Minister, for Medicine can be dismissed by him and another is in turn voted into power by the illiterate voter. Therefore I say when we visualise the day of full responsible Government which has been promised to British India and which I hope will be granted to us by His Highness the Maharaja, we will applaud the honourable object of the mover of this resolution. What is the object? The object of the resolution is to see that no malpractices enter into the choice of the true representatives of the people. What exactly is obtaining to-day? I will be fortified by the decisions of tribunals when I say that corruption, illegal means, the use of illegal conveyances feasting, treating, to use a technical word, are being used to get the votes of the people and often their bodies out. I say, their bodies *i.e.*, their physical presence. Take the case of a labourer. He will be earning eight annas or 12 annas a day. By coming to the polling booth he will be losing 12 annas. He will refuse to vote unless you pay him? If an Hon'ble prospective member goes to him will he go to the polling booth? He will ask for something to feed his wife and children. Therefore what happens? We have to buy the bodies of the voters. We have to purchase their physical presents for

LIBRARY ARCHIVES Kerala Legislative Assembly

8 annas or 12 annas. We carry them willy nilly in our cars even on previous days and lock them up. The Hon'ble Member for Mattancheri, Mr. Salem, who is a veteran member of this Council, can enlighten us on these points. Are the Government not shutting their eyes to this?

Mr. A. V. Moothedan *(Chalakkudi):* Can this be stopped?

Mr. V. J. Mathai *(Planters):* Should the Government shut their eyes to this state of affairs? Are there not instances of voters being removed completely to foreign jurisdiction, Travancore, so that it would be impossible for them to attend the polling booth the next day much against their conscience, but with their willingness because their consciences have been purchased. A candidate says here are three rupees. Take them and because I cannot trust you, you better go 150 miles away and report there. That will serve the purpose. The candidate has no trust and confidence in that voter whom he has already purchased and so often he is sent away. His physical presence has to be secured and that is the main object of the resolution, if I have understood it correctly. If his physical presence is secured, the rest seems to be easy especially since under the colour box system. Voting is very secret. Not even the devil can devine the intentions of a man. Only the maker and the angels know for whom a particular voter has voted. If that be so, there is a sort of assurance that a public worker, or will certainly be returned. Otherwise the longest purse always wins. Now the voter's list as it remains is convenient for the longest purse. But still not beyond his means. The remedy I would suggest immediately. The remedy is to give full franchise to every able bodied man and woman in the State.

Mr. A. V. Moothedan *(Chalakkudi):* Give adult franchise.

Mr. V. J. Mathai *(Planters):* That is the only remedy. Instead of 3,000 make the number of voters 33,000. what will happen? Even at the rate of one rupee the cost will be 33,000. That amount will have to be spent. There are not very many men who can spent this amount. I can assure you on that. The next thing will be to educate the public opinion. Mr. Gladstone delivered 15 speeches to convince the voters of Mid-lothain of the wisdom of retiring him and his party. That state of affairs would come to Cochin. Let that time come. In fact I was going away from the thread of my speech so that I may convince my Hon'ble friend that there is a remedy. There is no other remedy imaginable. Because what happens between the voter and the candidate is impossible to find out even if the Government devised a tribunal or machinery for the purpose. Corruption is bound to exist. I do not know how many you can get in the Cochin State who are above all these. Then you will be giving tremendous power in the hands of the subordinates who very often abuse them. These are the dangers. How can you say that the object is not laudable. It is desirable, and I would insist upon the Government to see that every means is tried or see whether this object can be realised. I certainly know what exactly takes place in the elections. It is a public secret. It is a matter of public knowledge. Affairs are going in a shameless way. Candidates who have reported a figure of 2 digits as their election expenses, are killing their consciences for all time to come. A man gives a figure of Rs. 70 after having spent Rs. 7,000. Why all this? Is it not known to all of you? Is there any one on the floor of this House who will deny that? I am saying with full responsibility when I make that statement. I can prove it specifically. To avoid this evil this seems to be the method. I do not say that this is the only method. There are other methods. At the same time, to me it appears that this is more of utopian and of academical interest. It is not practical. I respect the objects of the mover and the objects of the resolution. I applaud him. But the remedy suggested is greater than the disease itself. We will see what exactly will take place. Instead of 4,000 or 5,000 voters in the preliminary roll, it will become 50,000 if the power of excusing is vested in small Government officials. If the power of excusing is given to subordinate officers he would like to get more victims. I suppose you understood me. Who is to go into the question of about a lakh or 50,000 voters? Will any one of the Heads of Departments or the Hon'ble Secretary take up the cases? That is the point. When we go into the question we will have to go into the ramifications of the whole question.

Mr. A. V. Moothedan *(Chalakkudi):* The Hon'ble Member is not speaking on the resolution.

Mr. V. J. Mathai *(Planters):* I am speaking on the resolution—the consequences of putting it into practice. You may say it is not in the resolution. You may say that since a cocoanut is not within a cocoanut tree and that there is no connection between them. What I say is if the power of excusing is given to the subordinates the number of victims will increase as they prepare the preliminary rolls.

LIBRARY ARCHIVES Kerala Legislative Assembly

Secondly what about the case of people who are far away? Immediately it might be said that those who are outside Cochin at the time of the preliminary electoral roll should not be included. Is it just? A man who is in the F. M. S. may come at the election time and say "I would like to stand as a candidate; mind you, the electoral roll is for three years. Suppose you force him to apply for the deletion of his name. That will be forcing him to state three years previously that he does not want to be included in the list. That is the third thing. One of the best candidates in the world might be absent in England, he may come back and may stand for election. If you compel him to say that his vote should not be there naturally you are going to deprive the voters of an excellent candidate. I do not go into the details of the question. There is a deprivation of the voters themselves. Then what is the amount of trouble that you are giving to the voters? I say the voters are generally indifferent. Now you are going to punish him for not attending the polling booth. Suppose all the voters in a constituency say that their names need not be put in the electoral roll? In that case it will be a solitary zero constituency without a single voter. Probably the votes for the candidates will be one versus one which has to be decided by a casting vote. Iam only suggesting that a number of petitions will come in. Suppose a man is laid up. He must get leave of absence just as a subordinate asks for leave to a Head of the Department. What are the grounds for excusing? If it is to be left to a tribunal all kinds of rules will have to be framed and the grounds on which a man has to be excused from voting has to be decided. These are some of the difficulties. The object may be laudable. But there are certain things which it is impossible to rectify except by education. I only say that here is a state of affairs that is shameless. It ought to be rectified if it is possible. The sooner the Government goes into the question, the better; but the remedy suggested is not the proper one. I would therefore suggest to the Government, not that the resolution should be accepted in full but that the Government may appoint a committee or otherwise go into the question to find out means and methods by which the present state of affairs can be removed. If adult franchise can be given there will be absolutely no difficulty.

Mr. Shabdai S. Koder *(Nominated):* Sir, I rise to oppose this resolution on the ground that the number of voters who wilfully refrain from exercising their franchise is indeed very small in Cochin. I have voted and I have stood for elections. I have also seen many elections. Our voters are so enthusiastic that we even see "dead" voters voting. People outside Cochin come on that day for voting and I am sure many of our Hon'ble Members in this House have also seen such instances. My friend Mr. Mathai referred to the practice of physically removing the voters from Cochin on the voting day. It is a fact and he said that by accepting this resolution such practices will disappear. I fail to see how that can be remedied. He can still be taken away from Cochin and give the plea that he was not in Cochin but was outside in connection with some official business. He can give all sorts of excuses which it will be impossible to verify.

Then again, in every Council we clamour for responsible Government on the plea that we are advanced in political matters and we are educated and about 90 per cent of our people are literate. Now by passing this resolution what is the impression that is created outside Cochin. I am sure if we accept this resolution the statement made in this House that we are so advanced in the State as to get responsible Government will be seriously questioned. For these reasons I am opposed to the resolution.

*Mr. A. B. Salem *(Mattancheri):* Sir, I rise to support this resolution. As has already been stated, I have a lot of experience in election matters from the time this Council was introduced in the State. This is a very advanced resolution and can only be accepted in an advanced country like Cochin for the reason if a voter is taking his right to vote, he must be also compelled to exercise that. If he does not want to exercise the right, the resolution gives him the option to say "I do not want to take part in the election and want to go out of the voters list". But once he is in the list he must come to the polling booth and then either vote or do not vote as he wishes. Anyhow he must come to the polling booth. The allegation in the election cases that have come before the Commissioners during the last election and the previous election is that voters have been carried in buses which is made an offence under the Government of Cochin Act, and on that ground elections have been set aside and candidates elected disqualified. Now you see the difficulty where a poor and a rich candidate stand for election. The rich man can engage a number of buses either in his own name or in the name of his agents and carry voters to the polling booth while a poor man having no money cannot carry them there. So you put the poor man at a disadvantage. Therefore in an advanced State like Cochin we want to do away with that at least where the poor man and the rich man will be on the same level.

*Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Shabdai S. Koder *(Nominated)*: Suppose the poor man votes for the rich man.

Mr. A. B. Salem *(Mattancheri)*: He can vote for anyone. The thing is he will be compelled to go there and therefore he must go.

Mr. Shabdai S. Koder *(Nominated)*: Money will still play an important part.

Mr. A. B. Salem *(Mattancheri)*: I have seen it in Chalakkudi where I once stood for election. Money was brought to the very polling booth and in the presence of ever so many officers 3 rupees and 2 rupees were given to voters. I did not care to contest or put in an election petition. The opponent was elected but where is he now. During the last Mattancheri election, the election had to be set aside and the candidate thrown out because he used buses. I watched all these things with vigilence and pressed these charges. Now it is stated by some people that Mr. Salem sits in the Council as the Court Member or as one of the Commissioners, and so on, forgetting the fact that the whole thing is the working of the law, *viz.*, the Government of Cochin Act. The final authority in election matters is the election Commissioners and no one has the right to interfere with their conclusions. Even His Highness the Maharaja has not the right to interfere in such matters. Now such being the condition you can rightly see how important it is to make some provision by which every voter when he gets the franchise must exercise that franchise and come to the polling booth. Otherwise let him go out of the rolls. It is better for the country as well as to him. He cannot be charged for any corrupt practice. Therefore on that principle the resolution must be accepted.

This resolution has got very great merits. The difficulties pointed out by the Planters Member are nothing when compared to the advantages we derive. There is no difficulty in mkaing any enquiry. Within 20 days after the election is over every voter who has not come to vote must appear before the returning officer and give his explanation. If he is not satisfied with the explanation he can put a penalty of five rupees. When a voter comes to the polling booth if he is paid one rupee, then certainly I am sure he will appear before the returning officer if he has to pay five rupees as fine.

Mr. Shabdai S. Koder *(Nominated)*: If the candidate pays Rs. 10.

Mr. A. B. Salem *(Mattancheri)*: If the candidate is prepared to pay let him pay. But the rival candidate may be paying Rs. 15. I may say for the information of the House that it is not always money that counts. Our Hon'ble Member for Cranganur defeated the richest man on my right. This poor humble self defeated another Chairman of the Municipal Council. I may tell you how these things are tackled. Vigilence on the part of the candidate is required and if the rival candidate is vigilent such things can be achieved. In most democratic countries like England and America also such things happen. If the law is stringent and the judiciary strong and independent to put these things down, such malpractices can be checked.

Mr. Shabdai S. Koder *(Nominated)*: Even without this provision.

Mr. A. B. Salem *(Mattancheri)*: This provision is helpful in this way: It will make the voters come to the polling booth. The difficulty that is experienced by candidates who stand for elections is to bring the voters to the polling booths. When once the voters come to the polling booths half the trouble is over. Mr. Moothedan stated that in a polling booth out of 296 voters 294 voters voted. I very much appreciate that. But generally in all most all elections to the Legislative Council only about 50 per cent of the voters take part in elections.

For the above reasons I have very great pleasure to support the resolution.

Rama Varmha Tampuran *(Secretary to Government)*: Here is a right to vote. If a person does not exercise the right how can you punish him? If he does not carry out any obligations you can punish him. Here is a right of franchise which every citizen has earned.

Mr. V. K. Bhaskara Menon *(Cranganur)*: The right is given by law.

Rama Varmha Tampuran *(Secretary to Government)*: Will that be sufficient reason for penalising him ?

Mr. V. J. Mathai *(Planters)*: If a member of this House absents himself for four months why do you send him out. Mr. T. V. Subramania Ayyar was removed.

Rama Varmha Tampuran *(Secretary to Government)*: He was not removed but he resigned.

Mr. V. J. Mathai *(Planters)*: The law is there that he can be removed.

Rama Varmha Tampuran *(Secretary to Government)*: Penalising for refusal to exercise a right is not seen anywhere else in India, not even in Europe.

Mr. V. J. Mathai *(Planters)*: Switzerland ?

Rama Varmha Tampuran *(Secretary to Government)*: Is it not too much to think that we alone are the wisest in this world? There are Assemblies in other countries started years and years ago and there are assemblies with large number of constituencies, with large areas also and

LIBRARY ARCHIVES Kerala Legislative Assembly

even in such cases a penalty like this is not seen attached. There must be something more fundamental than what we think of. There is not any penalising for not exercising this right. Of course it is good that every voter exercises his right and probably if he exercises it, it might be possible to avoid chances of malpractices altogether. The check will take place only in a corner. The main bulk of the problem will remain as it is. There are thousand and one ways in which things can be manipulated if that is the intention. If a person does not exercise his right, is he to forego his right? We cannot get over the difficulty.

Mr. A. B. Salem *(Mattancheri)* : He does not forego.

Rama Varmha Tampuran *(Secretary to Government)*: He must get himself excused. How difficult it is to see whether a person really was in a disability or not at that time. Days would have passed. For each and every individual case we will have to believe that what is stated is true. Even medical certificate has to be produced. All sorts of difficulties will be created. We also know the difficulties of courts. These excuses will have to be accepted as completely valid when they are offered or we will have to go at very great length to decide whether the excuses are valid or not. It is an impracticable proposition. These are some of the difficulties which face the Government. We do not think that because a voter did not exercise his vote he should be penalised by removing his name altogether from the voter's list subject to having excuses and sufficient apology. Government therefore regret that they cannot accept the resolution

Rao Sahib I. N. Menon *(Director of Public Instruction)* : I would like to have one point cleared. Whether this measure is sought to be introduced in the interests of thousands of voters or in the interests of those who are standing ?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Both.

Rao Sahib I. N. Menon *(Director of Public Instruction)* : You are seeking to penalise an absent voter forcing him otherwise to be there. I would like to know whether this evil is sought to be remedied in order that the voters may be benefited politically or spiritually or whether it is in the interests of those who are standing for elections?

Mr. V. J. Mathai *(Planters)* : It is to the benefit of the voter because there will be proper men elected for the Legislative Council.

Mr. A. Madhava Prabhu *(Diwan Peishkar)* : The resolution wants the voter who does not want to vote or go to the polling booth to go to the revising authority or the Registration Officer and ask him to delete his name from the electoral roll. That means that before the electoral roll is finally published, that man should decide for himself whether he should vote or not. He can decide whether he should vote or not only after the candidates stand. There are bound to be at least two persons for all elections and it is only when they put in their nominations that we can decide whether we should vote for that candidate. To ask people to decide whether they should go to the polling booth if they do not want to vote for either is unpracticable. Then the right to stand is not limited to the voters in the particular constituency where the voter is, but that right is spread throughout the State. A man may go and stand in another constituency. It may be that in this constituency the voters did not find a man suitable at the time they looked at the electoral rolls. If a proper person from outside comes and, if before that, one has to put his name deleted, he would be deprived of the right of going to the polling booth and voting for the proper man.

Then again a number of persons stand for elections. The right of withdrawing from contest is given and is allowed to be exercised just a few days before the election. Till that time I found a person for whom I can vote. Something happens by which that man withdraws all on a sudden. Till that time I wanted to exercise my right but on that day I make up my mind not to vote. Am I to be penalised? If I am prosecuted I have to go and say that I did not vote for this reason. Otherwise I must utter falsehood. My suggestion to the House is that this is a matter which has to be thought of in its practical aspects.

മിസ്റ്റർ സി. വി. ഇയ്യു. ഈ പ്രമേയം ഇങ്ങിനെതന്നെ സ്വീകരിച്ച് ഇതിൽ പറയുന്നപോലെതന്നെ നടപ്പിൽ വരുത്തണമെന്നുള്ള അഭിപ്രായം എനിക്കില്ല, ഇതിന്റെ തത്വം സ്വീകരിച്ച് നടപ്പിൽ വരുത്തുന്നതുകൊണ്ടു രാജ്യത്തിന്നു പ്രയോജനമുണ്ടാകുമെന്നു ഗവൺമെന്റിനു തോന്നുന്നില്ല എന്നു് ഇതുവരെ പറഞ്ഞിട്ടില്ല. ആ ഭാഗം ഈ സഭയിലെ മറ്റു അംഗങ്ങളും പറഞ്ഞിട്ടില്ല. ഈ പ്രമേയത്തിലെ തത്വം സ്വീകരിച്ച് പ്രായോഗികമായി നടപ്പിൽ വരുത്തുന്നതിനുള്ള മുഖാന്തിരങ്ങൾ ഏതെല്ലാംവിധത്തിലുള്ളതാണെന്നു കൂലങ്കഷമായി പഠിച്ചാലോചിക്കണമെന്നുമാത്രമെ ഞാൻ ഗവൺമെന്റിനോടപേക്ഷിക്കുന്നുള്ളു. ബഹുമാനപ്പെട്ട തോട്ടക്കാരുടെ പ്രതിനിധി പറഞ്ഞമാതിരി ഒരു കമ്മിറ്റിയെവെച്ച് അവരുടെ

LIBRARY ARCHIVES Kerala Legislative Assembly

നിർദ്ദേശമനുസരിച്ചു പ്രവൃത്തിക്കണം. അതു ഗൌരവാവഹമായ ഒരു നിലയാണു് നമ്മുടെ തിരഞ്ഞെടുപ്പുകൾക്കുള്ളതു്. മറ്റു ചിലരാജ്യങ്ങളിൽ ചെയ്യുവരുന്നതുപോലെ ഇവിടേയും തിരഞ്ഞെടുപ്പുകളെ നന്നാക്കുന്നതിനു സൌകര്യമുള്ള മാർഗ്ഗങ്ങൾ ഏതെല്ലാമുണ്ടോ അതെല്ലാം നാമും സ്വീകരിക്കണമെന്നാണു് എനിക്കു് ഈ സഭയോടു അഭ്യർത്ഥിക്കുവാനുള്ളതു്. ഇതിനെ ഒരു പാഠ്യവാദപ്രതിവാദരീത്യാ (academical discussion) വാദപ്രതിവാദം നടത്തിയ ഈ സഭാംഗങ്ങളോടു് എനിക്കു വളരെ കൃതജ്ഞതയുണ്ടു്. ഫ ഫ ഫ നു-ലെ ബഡ്ഡറു സമ്മേളനത്തിൽ പഞ്ചായത്തുകോടതികളിലെ എല്ലാ ജഡ്ജിമാരേയും നോമിനേറു ചെയ്യണമെന്നുള്ള ഒരു ഉപക്ഷേപം ഇവിടെ അവതരിപ്പിച്ചപ്പോൾ ഇതുപോലെയുള്ള ഒരു അക്കഡമിക്കൽ ഡിസ്ക്കഷൻ നടത്തിയെങ്കിലും ൨ വോട്ടുകളുടെ കുറവുകൊണ്ടു് അതു തള്ളപ്പെട്ടു. എന്നിട്ടും ഇന്നു് ഈ സഭ എന്റെ ഉപക്ഷേപത്തെ ആസ്പദമാക്കി ഒരു ബിൽ ഐകകണ്ഠ്യേന പാസാക്കി നിയമമാക്കുന്നതിനു ശ്രമിക്കുമ്പോൾ, ആദർശപരമായ ആശയങ്ങൾ നടപ്പിൽവരുത്തുന്നകാര്യത്തിൽ ഈ രാജ്യത്തെ പൊതുജനങ്ങളുടേയും ഈ സഭയുടേയും ശ്രദ്ധയിൽ ഈവിധത്തിലുള്ള ഒരു പ്രമേയം അവതരിപ്പിച്ചിട്ടുള്ളതിന്റെ തത്വത്തെക്കുറിച്ചു് വീണ്ടും ആലോചിക്കണമെന്നപേക്ഷിക്കുന്നു. കഴിഞ്ഞ എറണാകുളം മുനിസിപ്പൽ എലക്ഷനു രണ്ടാളുകളൊഴിച്ചു ബാക്കിയുള്ളവരെല്ലാം വന്നു വോട്ടുചെയ്തു എന്നു് ബഹുമാനപ്പെട്ട ചാലക്കുടി മെമ്പർ പറകയുണ്ടായി. രണ്ടാളൊഴികെ ബാക്കിയുള്ളവരെല്ലാം വോട്ടുചെയ്തുരഹസ്യം എന്നോടു നേരിട്ടു പറഞ്ഞിട്ടുള്ളതു് അദ്ദേഹം ഇപ്പോഴും ഓർക്കുന്നുണ്ടായിരിക്കും. അതു ഞാൻ ഇവിടെ എടുത്തുപറയണമെന്നു വിചാരിക്കുന്നില്ല. വലിയ ഭൂരിപക്ഷം വോട്ടുചെയ്തിട്ടുള്ള ഒരു പ്രാതിനിദ്ധ്യം നിങ്ങളാരും മോഹിക്കരുതു്. തിരഞ്ഞെടുപ്പുകാലത്തു് എങ്ങിനെയെങ്കിലും ജീവനോടെയുള്ള എല്ലാവരും തങ്ങൾക്കു വോട്ടുചെയ്യണമെന്നാണു് വിചാരിക്കുക. പക്ഷെ ജീവനില്ലാത്തവരുംകൂടി വന്നു വോട്ടുചെയ്തതായിരിക്കാട്ടുകാണാം. അഥവാ എല്ലാവരുംതന്നെ വോട്ടുചെയ്തിട്ടുണ്ടെങ്കിൽ ഈ നിയമം തീർച്ചയായും നടപ്പിൽ വരുത്താവുന്ന ഒരു രാജ്യമെന്നതിനു തർക്കം ഇല്ലല്ലൊ. അങ്ങിനെയെങ്കിൽ വലിയ സങ്കടമൊ ശിക്ഷയൊ ആക്കും അനുഭവിക്കുവാൻ ഇടയില്ലാത്ത ഒരു രാജ്യമാണല്ലൊ ഇതു്. കൊച്ചിയിൽ കൂടുതൽ രാഷ്ട്രീയ പ്രബുദ്ധതയുണ്ടെന്നുവേണം പറയുവാൻ. ബഹുമാനപ്പെട്ട മട്ടാഞ്ചേരി മെമ്പർ ഇത്തരത്തിലുള്ള ഒരു പ്രമേയം പ്രായോഗികമാകുമൊ എന്നു് പരീക്ഷിക്കുവാനുള്ള ഒരു രാജ്യം കൊച്ചിയാണെന്നുകൂടി പറയുകയുണ്ടായി. അങ്ങിനെ ഒരു പ്രാവശ്യം പരീക്ഷിച്ചു നോക്കിയാലും മതി. എല്ലാ വോട്ടർമാരും അവരുടെ പേരുകൾ പട്ടികയിൽനിന്നു നീക്കണമെന്നു പറയുകയാണെങ്കിൽ അതിനും തക്ക സമാധാനമുണ്ടു്. ഈ നിയമസഭ വേണ്ട എന്നുള്ളതാണു് പൊതുജനങ്ങളുടെ അഭിപ്രായമെങ്കിൽ വേണ്ട എന്നു വെക്കുന്നതല്ലെ ജനാധിപത്യഭരണം? പിന്നെ വേണമെന്നുണ്ടെങ്കിൽ അന്നു വീണ്ടും ഉണ്ടാക്കാം. ഒരു നിയോജകമണ്ഡലത്തിലെ വോട്ടർമാരിൽ ആവശ്യപ്പെട്ടുന്നവരുടെ പേരുകൾ നീക്കണമെന്നാവശ്യപ്പെട്ടാൽ നീക്കി ബാക്കിയുള്ളവരുടെ വോട്ടുണ്ടായാൽ മതിയെന്നാണു ഇതിനർത്ഥം. ജനങ്ങളുടെ അഭിപ്രായമാണു ജനാധിപത്യഭരണമെന്നുള്ള തത്വംവെച്ചു നോക്കിയാൽ ജനപ്രതിനിധികൾ ഇല്ലാതെ ഭരിക്കുന്നതും ജനങ്ങളുടെ ഭരണമായി പരിണമിക്കുന്നതിൽ എന്താണു് പരാഭവത്തിനവകാശം? ഞാൻ ഈ പ്രമേയം ഇപ്പോൾ പ്രസ്തുചെയ്യണമെന്നു വിചാരിക്കുന്നില്ല. ഗവർമ്മെണ്ടു് ഈകാര്യം ശരിയായി ഒന്നുകൂടി പര്യാലോചിക്കണമെന്നും, നിവൃത്തിയുണ്ടെങ്കിൽ ഒരു കമ്മിറ്റിയെവെച്ചാലോചിച്ചു് ഇതിന്റെ തത്വം നടപ്പിൽ വരുത്തണമെന്നും ഉള്ള അപേക്ഷയോടുകൂടി ഞാൻ ഇതിനെ പിൻവലിക്കുവാൻ സഭയുടെ അനുവാദം ചോദിച്ചുകൊള്ളുന്നു.

Resolution, by leave, withdrawn

Resolution No. 28

Abolition of gallonage fees on wine for sacramental purposes

Mr. C. V. Iyyu *(Kunnamkulam)*: Sir, *"This Council recommends to the Government to abolish the gallonage fees collected for the wine produced in the State exclusively for sacramental purposes and not for sale, provided the Ecclesiastical authorities give such wine free to the churches under their jurisdiction."*

ഇതു് ഒരു ന്യൂനപക്ഷ ക്രസ്ത്യാനി സമുദായത്തിന്റെ ആവശ്യമാണു്. ഇതു് ഞാൻ ഈ സഭയിൽ അവതരിപ്പിക്കുവാൻവേണ്ടി അയച്ചുകൊടുത്തകാലത്തു് ആ സമുദായത്തിലെ അംഗമായി യാതൊരു പ്രതിനിധിയും ഇവിടെ ഉണ്ടായിരുന്നില്ല. ഈ പ്രമേയം ഇതുവരെ ആലോചനക്കു വന്നതുമില്ല. ദൈവഗത്യാ ഈ പ്രമേയം ആലോചനക്കുവന്നപ്പോൾ ആ സമു

LIBRARY ARCHIVES Kerala Legislative Assembly